

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
WHITE PLAINS DIVISION

)  
LORTERDAN PROPERTIES AT RAMAPO I, )  
L.L.C., )  
Plaintiff, ) Civil No.: 11-cv-03656 (CS) (LMS)  
)  
v. )  
WATCHTOWER BIBLE AND TRACT )  
SOCIETY OF NEW YORK, INC., )  
Defendant. )  
)

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**WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.'S  
INITIAL DISCLOSURES**

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Defendant Watchtower Bible and Tract Society of New York, Inc., Inc., hereby provides pursuant to Fed. R. Civ. P. 26(a)(1), its initial disclosures.

**A. WITNESSES**

1. Richard Moake-100 Watchtower Drive, Patterson, New York 12563  
telephone (845) 306-1000

Subject of information: contract negotiations, contract proposals by each party, contract drafts, purpose of contract provisions, reason for two-year period in contracts, standard due diligence demands in previous Watchtower transactions, consideration of Warwick property, purchase of Warwick property, discussions with Lorterdan attorneys, discussions with Town of Ramapo, litigation against Town of Ramapo, Community Benefit Agreement, decision to have

Lorterdan repurchase property, notice to repurchase, Lorterdan's reaction, application by Lorterdan to maintain zoning for repurchase, discussions with Lorterdan attorney, Lorterdan's request for extension of time to repurchase.

2. Robert Pollock-124 Columbia Heights, Brooklyn, New York 11201  
telephone (718) 560-5000

Subject of information: his function regarding property, examination of property, dealings with Town of Ramapo, usual Watchtower procedures for acquiring property, purpose of two-year due diligence period (Design/Build perspective), plans for property, discussions with USBC/GB, discussions with Lorterdan, discussions with realtor, findings regarding property (suitability), decision not to develop, notice to repurchase, Lorterdan's reaction to notice.

3. Daniel Rice-900 Red Mills Road, Wallkill, New York 12589  
telephone (845) 744-6000

Subjects of information: his (RPD) function, property search and purpose, property requirements, direction on search, discussions with realtor, discussions with Lorterdan, discussions regarding other properties, standard Watchtower procedure for property acquisition, inspections of Ramapo property, decision to issue notice to repurchase, delivery of notice, Lorterdan reaction.

4. Robert Jackson (Lorterdan)

Subject of information: property history, attempts to sell, financing of property, discussions with banks holding liens, amount owed/paid to banks, contract negotiations, contract provisions, due diligence period, membership of LLC, discussions with LLC members regarding sale, memoranda/letters/e-mails/notes relating to LLC meetings, tax consequences of sale and contracts, discussions with Town of Ramapo, applications to Town of Ramapo before and after sale, assistance to Watchtower before/after sale, notice to repurchase, Lorterdan's reaction, Mandelbaum e-mails, application by Lorterdan to maintain zoning for repurchase, discussions

with Lorterdan attorney, discussions with Town of Ramapo, Lorterdan's request for extension of time to repurchase.

5. Barry Mandelbaum, Esq. (Lorterdan attorney)  
Mandelbaum, Salsburg, Gold, Lazris & Discenza, P.C.  
155 Prospect Avenue, West Orange, New Jersey 07052  
telephone (973) 736- 4600

Subject of information: property history, attempts to sell, financing of property, discussions with banks holding liens, amount owed/paid to banks, contract negotiations, contract provisions, due diligence period, membership of LLC, discussions with LLC members regarding sale, memoranda/letters/e-mails/notes relating to LLC meetings, tax consequences of sale and contracts, discussions with Town of Ramapo, applications to Town of Ramapo before and after sale, assistance to Watchtower before/after sale, notice to repurchase, Lorterdan's reaction, Mandelbaum e-mails, application by Lorterdan to maintain zoning for repurchase, discussions with Lorterdan, discussions with Town of Ramapo, Lorterdan's request for extension of time to repurchase.

6. Craig Alexander, Esq. (Lorterdan attorney)  
(Mandelbaum, Salsburg, Gold, Lazris & Discenza, P.C.)

Subject of Information: property history, attempts to sell, financing of property, discussions with banks holding liens, amount owed/paid to banks, contract negotiations, contract provisions, due diligence period, membership of LLC, discussions with LLC members regarding sale, memoranda/letters/e-mails/notes relating to LLC meetings, tax consequences of sale and contracts, discussions with Town of Ramapo, applications to Town of Ramapo before and after sale, assistance to Watchtower before/after sale, notice to repurchase, Lorterdan's reaction, Mandelbaum e-mails, application by Lorterdan to maintain zoning for repurchase, discussions with Lorterdan, discussions with Town of Ramapo, Lorterdan's request for extension of time to repurchase.

7. David J. Gold (Licensed Real Estate Broker)  
2 Windward Lane, Wesley Hills, New York 10952  
telephone (845) 354-2060

Subject of Information: discussions with Lorterdan regarding listing of property, time property listed, offers, examination of property, contact with Watchtower, sale negotiations, understanding of offers and counter-offers, understanding of reason for two-year period, understanding of Watchtower requirements, Watchtower purchase of Warwick property.

8. Michael Klein (Ramapo Town Attorney)  
Town of Ramapo  
237 Route 59, Suffern, New York 10901  
telephone (845) 357-5100

Subject of information: dealings with Lorterdan on this property before and after the sale to Watchtower, zoning applications by Lorterdan, filings regarding this property before and after the sale to Watchtower, litigation with Watchtower, Community Benefit Agreement, repurchase by Lorterdan, dealings with Lorterdan's attorneys, dealings with Watchtower attorneys.

9. Alan Berman (Assistant Ramapo Town Attorney)  
Town of Ramapo  
237 Route 59, Suffern, New York 10901  
telephone (845) 357-5100

Subject of information: dealings with Lorterdan on this property before and after the sale to Watchtower, zoning applications by Lorterdan, filings regarding this property before and after the sale to Watchtower, litigation with Watchtower, Community Benefit Agreement, repurchase by Lorterdan, dealings with Lorterdan's attorneys, dealings with Watchtower attorneys.

10. Scott Shedler (Ramapo Town Assessor)  
Town of Ramapo  
237 Route 59, Suffern, New York 10901  
telephone (845) 357-5100

Subject of information: dealings with Lorterdan on this property before and after the sale to Watchtower, tax applications by Lorterdan and Watchtower, filings regarding this property

before and after the sale to Watchtower, litigation with Watchtower, Community Benefit Agreement, repurchase by Lorterdan, dealings with Lorterdan's attorneys, dealings with Watchtower attorneys.

11. Lorterdan L.L.C. Members (Foun-Chung Fan; Wei Ling Fan and any others)

Subject of information: property history, attempts to sell, financing of property, discussions with banks holding liens, amount owed/paid to banks, contract negotiations, contract provisions, due diligence period, membership of LLC, discussions with LLC members regarding sale, memoranda/letters/e-mails/notes relating to LLC meetings, tax consequences of sale and contracts, discussions with Town of Ramapo, applications to Town of Ramapo before and after sale, assistance to Watchtower before/after sale, notice to repurchase, Lorterdan's reaction, Mandelbaum e-mails, application by Lorterdan to maintain zoning for repurchase, discussions with Lorterdan attorney, discussions with Town of Ramapo, Lorterdan's request for extension of time to repurchase.

12. Whiteman, Osterman & Hanna

1 Commerce Plaza, Albany, New York 12260  
telephone (518) 487-7743 [David Everett, Daniel Ruzow]

Subject of information: land use issues regarding property, discussions with Town of Ramapo, assistance to Watchtower regarding filings for property, discussions with Lorterdan, applications to Town of Ramapo.

13. Leon Weaver, Jr. (Officer of Watchtower)

100 Watchtower Drive, Patterson, New York 12563

Subject of Information: property search, intended use of property, requirements for property, direction on search, discussions with RPD/Design-Build, discussions regarding other properties, standard Watchtower procedure for property acquisition, inspections of Ramapo

property, intention of contract, purchase of Warwick property, decision to issue notice to repurchase to Lorterdan.

14. Lon Schilling(Officer of Watchtower)  
900 Red Mills Road, Wallkill, New York 12589  
telephone (845) 744-6000

Subject of Information: property search, intended use of property, requirements for property, direction on search, discussions with RPD/Design-Build, discussions regarding other properties, standard Watchtower procedure for property acquisition, inspections of Ramapo property, intention of contract, purchase of Warwick property, decision to issue notice to repurchase to Lorterdan.

15. Corbally Gartland and Rappleyea, L.L.P. (Attorneys for TD Bank)  
Bardavon Building  
35 Market Street, Poughkeepsie, New York 12601  
telephone (845) 454-1110

Subject of Information: property history, attempts to sell, financing of property, discussions with Lorterdan about liens on property, amount owed/paid to banks, discussions with Lorterdan regarding the sale to Watchtower, negotiations about the pay-off amounts.

16. TD Bank

Subject of Information: property history, attempts to sell, financing of property, discussions with Lorterdan about liens on property, amount owed/paid to banks, discussions with Lorterdan regarding the sale to Watchtower, negotiations about the pay-off amounts.

17. Montalbano, Condon & Frank, P.C. (Attorneys for Lorterdan and Watchtower)  
67 North Main Street, New City, New York 10956  
telephone (845) 634-7010 [Judith Procopio and others]

Subject of Information: discussions with Town of Ramapo, tax litigation against Town of Ramapo, Community Benefit Agreement.

18. Christopher St. Lawrence (Supervisor-Town of Ramapo)  
Town of Ramapo

237 Route 59, Suffern, New York 10901  
 telephone (845) 357-5100

Subject of Information: dealings with Lorterdan on this property before and after the sale to Watchtower, zoning applications by Lorterdan, filings regarding this property before and after the sale to Watchtower, litigation with Watchtower, Community Benefit Agreement, repurchase by Lorterdan, dealings with Lorterdan's attorneys, dealings with Watchtower attorneys.

#### **ADDITIONAL INFORMATION**

Defendant reserves the right to supplement this witness list as additional information becomes available during the course of discovery.

#### **B. DOCUMENTS**

As part of its initial disclosures, Defendant herewith provides Plaintiff with a copy of the following documents. Documents 1 through 25 of Watchtower's Initial Document Disclosures were part of their Motion for Summary Judgment (see Docket Nos. 25, 26, 28, and 29) and Documents 26 through 59 of Watchtower's Initial Document Disclosures were part of Lorterdan Properties' Motion for Summary Judgment (see Docket No. 15). The parties and the Court have all previously been provided these documents. Therefore, these documents are not being attached to Watchtower's Initial Disclosures. Watchtower's Initial Disclosure Documents 60 through 162 are attached hereto as Exhibit A. Defendant reserves the right to supplement this list as additional information becomes available during the course of discovery.

	<b>Document</b>
001	Plaintiff's Amended Complaint & Exhibits
002	Watchtower's Answer & Counterclaims
003	Plaintiff's Reply to Watchtower's Counterclaims

	<b>Document</b>
004	Watchtower's Renewed Application for Tax Exemption 2/25/11
005	Plaintiff's Summons & Complaint 5/9/11
006	Watchtower's Notice of Removal
007	Mandelbaum Salsburg Website
008	September 10, 2008, Watchtower letter to Lorterdan
009	September 9, 2008, Watchtower letter to Lorterdan
010	RP-5217 of 2/27/09
011	10/7/10 Governing Body letter to U.S. Branch Committee
012	3/1/11 Procopio e-mail to Moake & attached petition
013	3/14/11 Owner's Consent Affidavit
014	3/28/11 Mandelbaum letter to Watchtower
015	Notice of 4/5/11 Ramapo Planning Board meeting
016	4/20/11 Ramapo Denial of Tax Exemption to Watchtower
017	4/28/11 Ramapo notice to Watchtower of change of tax status
018	4/29/11 E-mails between Moake & Mandelbaum
019	Ramapo request for status of repurchase by Lorterdan
020	6/9/11 letter Watchtower to Ramapo Board of Assessment Review
021	5/6/11 letter Watchtower to Lorterdan
022	2/27/09 Closing Statement
023	4/26/09 Telememo re Moake/Shedler conversation

	<b>Document</b>
024	12/20/09 Note by R. Jackson to D. Rice (with Owner's Consent Affidavit attached)
025	2/26/09 letter Corbally, Gartland & Rappleyea to Mandelbaum
026	Purchase & Sale Agreement of 1/23/09
027	Consulting Agreement of 2/27/09
028	Repurchase Agreement of 2/27/09
029	11/1/10 letter Watchtower to Lorterdan
030	2/27/09 Watchtower Tax Exemption Application
031	Map of Property
032	2/2/09 CDRC Notification Form & Attachments
033	Short Environmental Assessment Form
034	Watchtower Narrative of Proposed Alternate Use
035	3/2/09 letter Ramapo to Whiteman, Osterman
036	Notes re 2/5/09 Plan
037	3/13/09 e-mail Pollack to Berman with attachment
038	Notes re 3/24/09 meeting with Ramapo
039	3/09 Petition to Amend Zoning
040	4/13/09 Watchtower Proposed Zoning Amendment
041	2009 Complaint on Real Property Assessment
042	7/29/09 Petition against Ramapo
043	8/14/09 e-mail Pollack to Lorterdan
044	Community Benefit Agreement

	<b>Document</b>
045	Receipt report of Ramapo
046	9/21/10 Watchtower check to Ramapo
047	10/29/09 Stipulation between Watchtower & Ramapo
048	2/2/10 Supreme Court Order
049	2/23/10 letter Ramapo to Montalbano
050	2/25/10 Tax Exemption Renewal Application
051	5/1/10 letter Ramapo to Watchtower
052	2/25/11 Tax Exemption Renewal Application
053	4/20/11 letter Ramapo to Watchtower
054	2011 Complaint on Real Property Assessment
055	5/1/09 letter Ramapo to Watchtower
056	6/29/09 Exemption Denial
057	6/30/09 e-mail Montalbano to Ramapo attorney
058	6/10/09 Ramapo Resolution
059	Jackson Affidavit in Support of Lorterdan's summary judgment motion
060	3/20/10 e-mail Procopio to Pollock
061	7/15/09 Governing Body letter to U.S. Branch Committee
062	8/17/09 Ramapo Answer in litigation by Watchtower
063	10/24/08 Governing Body letter to U.S. Branch Committee
064	12/11/08 Governing Body letter to U.S. Branch Committee
065	Proposed Terms of Purchase 155 Sterling Mine Road

	<b>Document</b>
066	1/15/09 U.S. Branch Committee letter to Governing Body
067	6/12/09 U.S. Branch Committee letter to Governing Body
068	6/18/09 Governing Body letter to U.S. Branch Committee
069	8/27/09 Governing Body letter to U.S. Branch Committee
070	11/5/09 U.S. Branch Committee letter to Governing Body
071	11/11/09 Governing Body letter to U.S. Branch Committee
072	11/20/09 Legal Department memo to U.S. Branch Committee
073	1/12/10 U.S. Branch Committee letter to Governing Body
074	4/6/10 U.S. Branch Committee letter to Governing Body
075	6/10/10 U.S. Branch Committee letter to Governing Body
076	9/9/10 Governing Body letter to U.S. Branch Committee
077	10/4/10 U.S. Branch Committee letter to Governing Body
078	10/7/10 Governing Body letter to U.S. Branch Committee
079	1/25/11 U.S. Branch Committee letter to Governing Body
080	11/3/10 U.S. Branch Committee letter to Governing Body
081	5/6/11 Watchtower letter to Lorterdan
082	4/6/11 U.S. Branch Committee letter to Governing Body U.S. Branch Committee forwarding copy of letter to Legal Department for Handling Enclosure: 4/5/11 Draft Moake to Mandelbaum e-mail: U.S. Branch committee regarding letter approval
083	4/29/11 e-mails Richard Moake & Barry Mandelbaum
084	6/2/09 Property Search Group Meeting Minutes
085	5/12/09 Property Search Group Meeting Minutes

	<b>Document</b>
086	2/13/09 Property Search Group Meeting Minutes
087	6/12/09 U.S. Branch Committee letter to Governing Body
088	8/26/09 U.S. Branch Committee letter to Governing Body
089	7/10/09 U.S. Branch Committee letter to Governing Body
090	8/26/09 Daniel Rice memo to U.S. Branch Committee
091	2/11/09 Draft "Statement on Watchtower Property Search"
092	2/18/09 Property Search Update
093	7/24/09 U.S. Branch Committee letter to Governing Body
094	9/29/09 U.S. Branch Committee letter to Governing Body
095	1/21/09 Governing Body letter to U.S. Branch Committee
096	6/4/09 Governing Body letter to U.S. Branch Committee
097	8/19/09 Governing Body letter to U.S. Branch Committee
098	2/10/09 U.S. Branch Committee letter to Governing Body
099	2/17/09 Draft U.S. Branch Committee letter to Governing Body
100	2/24/09 U.S. Branch Committee letter to Governing Body
101	3/2/09 Draft U.S. Branch Committee letter to Governing Body
102	3/17/09 U.S. Branch Committee letter to Governing Body
103	3/31/09 U.S. Branch Committee letter to Governing Body
104	4/7/09 U.S. Branch Committee letter to Governing Body
105	4/14/09 Draft U.S. Branch Committee letter to Governing Body

	<b>Document</b>
106	4/16/09 U.S. Branch Committee letter to Governing Body
107	4/21/09 U.S. Branch Committee letter to Governing Body
108	4/28/09 U.S. Branch Committee letter to Governing Body
109	5/7/09 U.S. Branch Committee letter to Governing Body
110	5/13/09 U.S. Branch Committee letter to Governing Body
111	5/27/09 U.S. Branch Committee letter to Governing Body
112	6/4/09 U.S. Branch Committee letter to Governing Body
113	6/10/09 U.S. Branch Committee letter to Governing Body
114	6/18/09 U.S. Branch Committee letter to Governing body
115	6/23/09 U.S. Branch Committee letter to Governing Body
116	6/25/09 U.S. Branch Committee letter to Governing Body
117	6/30/09 U.S. Branch Committee letter to Governing Body
118	7/1/09 U.S. Branch Committee letter to Governing Body
119	7/7/09 U.S. Branch Committee letter to Governing Body
120	7/16/09 U.S. Branch Committee letter to Governing Body
121	7/17/09 U.S. Branch Committee letter to Governing Body
122	8/5/09 U.S. Branch Committee letter to Governing Body
123	8/11/09 U.S. Branch Committee letter to Governing Body
124	8/18/09 U.S. Branch Committee letter to Governing Body
125	9/15/09 U.S. Branch Committee letter to Governing Body
126	12/2/09 U.S. Branch Committee letter to Governing Body
127	7/31/09 U.S. Branch Committee letter to Publishing Committee
128	3/30/05 Dan Rice memo to U.S. Branch Committee

	<b>Document</b>
129	1/18/06 Dan Rice memo to U.S. Branch Committee
130	1/25/06 Dan Rice memo to U.S. Branch Committee
131	2/21/06 Dan Rice memo to U.S. Branch Committee
132	3/22/07 Dan Rice memo to U.S. Branch Committee
133	9/10/08 Daniel J. Rice letter to Lorterdan Properties
134	9/9/08 Watchtower letter to Lorterdan Properties
135	11/20/08 Governing Body letter to U.S. Branch Committee
136	2/11/09 Governing Body letter to U.S. Branch Committee
137	7/22/09 Governing Body letter to U.S. Branch Committee
138	8/4/09 Publishing Committee letter to U.S. Branch Committee
139	9/22/08 Property Search Group Meeting Minutes
140	1/26/09 Property Search Group Meeting Minutes
141	10/12/05 Planning Board Decision (filed 10/14/05)
142	3/27-28/09 E-mails between Moake, Rice & Pollock
143	3/26/09 Carl S. Wright letter to Moake
144	Undated Notes on Lorterdan Property
145	10/9/09 Pollock memo to U.S. Branch Committee
146	10/2/08 Lorterdan letter to Watchtower
147	5/4/11 U.S. Branch Committee letter to Governing Body
148	4/26/11 U.S. Branch Committee letter to Governing Body
149	8/18/09 U.S. Branch Committee letter to Governing Body
150	8/4/09 Lon Schilling letter to U.S. Branch Committee
151	7/2009 e-mails Kris Van Tassel, Moake, Pollock

	<b>Document</b>
152	6/2009 e-mails Robert Jackson, Pollock
153	3/2009 e-mails Pollock, Rice, David Everett
154	4/7/11 Watchtower letter to Mandelbaum
155	3/2-4/2010 e-mails Pollock, Procopio
156	2/25/09 Gartland letter to Mandelbaum
157	8/27/08 Draft marked “From Rice 9/3/08” with comments, Watchtower to Lorterdan
158	8/27/08 Draft marked “Draft LOI w/Rice’s comments,” Watchtower to Lorterdan
159	2/27/09 Consent of Members (signed by Robert Jackson, Foun-Chung Fan, M.D., Wen Ling Fan)
160	2/27/09 Warranty Deed Lorterdan to Watchtower
161	2/27/09 David J. Gold Invoice
162	12/12/08 e-mail Rice to Moake, Brumley with attached draft Proposed Terms of Purchase

### **C. DAMAGES**

The items of damages claimed by Watchtower are as follows:

- i) \$11,500,000.00-Breach of Contract-failure to repurchase the property that is the subject of this lawsuit.
- ii) Interest of 9% per annum from the date of breach of contract, or May 1, 2011 (six months after notice to repurchase was delivered to Lorterdan) pursuant to Paragraph 2.1 of the parties’ Repurchase Agreement dated February 27, 2009. (Approximately \$1,552,500.00 to date)
- iii) Attorneys’ fees-pursuant to Paragraph 2.1 of the parties’ Repurchase Agreement dated February 27, 2009. (To be determined)

- iv) Costs of this litigation- pursuant to Paragraph 2.1 of the parties' Repurchase Agreement dated February 27, 2009. (To be determined)
- v) Payments made by Watchtower to the Town of Ramapo for taxes and pursuant to the Community Benefit Agreement since Lorterdan's breach of contract. To date, this is in the amount of \$500,000.00

#### **D. INSURANCE**

Not applicable.

Respectfully submitted,

s/ Francis J. McNamara  
Francis J. McNamara  
Calvin A. Rouse  
Associate General Counsel  
Legal Department  
Watchtower Bible and Tract  
Society of New York, Inc.  
100 Watchtower Drive  
Patterson, NY 12563  
Telephone: (845) 306-1000  
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[fjm3law@gmail.com](mailto:fjm3law@gmail.com)  
[crouse@jw.org](mailto:crouse@jw.org)

For Defendant Watchtower Bible and Tract  
Society of New York, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
WHITE PLAINS DIVISION

I hereby certify that on the 23<sup>rd</sup> day of October, 2012, I electronically served the following documents:

1. Watchtower Bible and Tract Society of New York, Inc.'s Initial Disclosures.

on Cuddy and Feder at following email address: [JGrauer@cuddyfeder.com](mailto:JGrauer@cuddyfeder.com).

At Patterson, New York, October 23, 2012.

s/ Francis J. McNamara  
Francis J. McNamara  
Associate General Counsel  
Legal Department  
Watchtower Bible and Tract  
Society of New York, Inc.  
100 Watchtower Drive  
Patterson, NY 12563  
Telephone: (845) 306-1000  
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For Defendant Watchtower Bible and Tract  
Society of New York, Inc.